

## Logan E. Johnson

### Partner

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### Practice Areas

Arbitration  
Construction  
Energy  
Healthcare  
Trial

### Education

University of Virginia School of Law, J.D.,  
1999; Editorial board member, *Virginia  
Journal of Social Policy & Law*

Dartmouth College, B.A., 1994, cum laude

### Admissions

State Bar of Texas

U.S. Court of Appeals for the Fifth Circuit

U.S. District Court for the Eastern,  
Southern, and Western Districts of Texas

Washington State Bar Association

U.S. District Court for the Eastern and  
Western Districts of Washington



### OVERVIEW

Logan represents plaintiffs and defendants in complex commercial matters. An aggressive and accomplished trial lawyer, he has defeated claims exceeding \$1 billion on behalf of defendants and has collected more than \$300 million on behalf of plaintiffs. Logan has tried cases for clients ranging from Fortune 50 companies to legendary music producers and Grammy winners, to individuals and small business owners.

Clients laud Logan's "brains and killer instinct, combined with an easy-going style." They note that "he gets results" and "is the best [lawyer they] have dealt with in [their] business careers." He has litigated matters throughout the United States and internationally, including Texas, Washington state, the District of Columbia, California, Illinois, Ohio, Alabama, Mississippi, New Mexico, Delaware, and Florida, as well as the U.S. Virgin Islands, Trinidad, Mexico, and the UK. His strong track record of successful arbitration includes cases before the American Arbitration Association (AAA), JAMS, the Financial Industry Regulatory Authority (FINRA), the International Court of Dispute Resolution (ICDR), and the International Chamber of Commerce (ICC). Logan's cases have been featured in the *The Wall Street Journal*, *Yahoo*, *Law360*, the *Houston Chronicle*, the *Houston Business Journal*, the *Puget Sound Business Journal*, *Institutional Investor* magazine, *The Hedge Fund Law Report*, *Coal Age* magazine, and many other publications.

In addition to litigating and arbitrating cases, Logan is often called on by clients to offer strategic advice on business deals to minimize litigation risk and assist in drafting contractual terms.

**Logan's skill in the courtroom and pragmatic, business-oriented approach are a formidable combination. Time and again, he gets excellent results.**

— Steve Putman, General Counsel  
Black Stone Minerals

Logan also maintains an active pro bono practice, including representation of asylum seekers subjected to persecution, prisoners in need of legal aid, and charitable organizations. Prior to joining Schiffer Hicks Johnson as a founding partner, he was a member of the Litigation group at Vinson & Elkins.

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### NOTABLE EXPERIENCE

#### Energy

- Obtained one of the largest settlements in Illinois history for client Natural Resource Partners: \$190 million on the eve of trial. Case pertained to mine operator's declaration of force majeure after the Hillsboro Mine in the Illinois Coal Basin experienced underground spontaneous combustion. Case involved highly technical issues of mine ventilation, regulatory oversight, and longwall mining. (Media coverage: *The Texas Lawbook*, *AP*)
- Obtained complete defense verdict for client Devon Energy Production Company in multimillion-dollar lawsuit regarding saltwater disposal fees that were allegedly owed in the Altamont-Bluebell fields in Northeastern Utah. (Media coverage: *The Texas Lawbook*)
- Served as lead lawyer in a \$200 million expert determination concerning the construction of a gas processing plant in west Texas and the execution of a Gas Treatment and CO2 Delivery Agreement. Despite conceding liability for substantial penalties owing due to our client's failure to deliver contractually required volumes of CO2, obtained a reduction in liability of approximately \$20 million by arguing offsets from a separate contract between the parties and compensation for CO2 deliveries from a time period not contemplated by the contract.
- Served as lead lawyer representing a Fortune 100 oil and gas company in a \$300 million breach of contract case related to the construction of major pipeline in West Texas and the producer's failure to drill wells to supply gas to the pipeline. The case involved issues related to well economics, completion and fracking techniques, pipeline capacity, and pipeline construction. Settled on the eve of trial on highly favorable terms.
- Represented one of the largest independent midstream companies in North America in a lawsuit related to the purchase of natural gas gathering and processing assets. Plaintiff asserted claims of breach of contract, fraud, tortious interference with contract, and tortious interference with prospective business relationship and sought damages of \$500 million. Obtained summary judgment on behalf of client, with court dismissing all of Plaintiff's claims.
- Obtained dismissal of all claims against an Australian energy company client in a \$100 million breach of contract/fraudulent inducement case relating to the attempted purchase of oil and gas assets located in Indonesia.
- Obtained dismissal of \$11 million claim brought against client related to the purchase of one of client's portfolio companies and an alleged breach of an escrow agreement. Prevailed at the trial court level on a motion for summary judgment and again at the appellate level in a published opinion.
- Retained to negotiate a walk-away and facilitate management relinquishing their ownership interest after tensions escalated at client's portfolio company. After discovering a pattern of embezzlement, we obtained multimillion-dollar settlement for client. Defendants were criminally prosecuted and convicted.
- Obtained summary judgment for all claims in case that revolved around plugging and abandonment charges we sought from subsequent owners of an offshore lease.
- Successfully represented a private equity firm in a multimillion-dollar dispute involving valuation and professional fees related to the purchase of a marine fuel business. Our client paid nothing and was indemnified for its legal fees.
- Successfully prosecuted a multimillion-dollar breach of contract claim on behalf of a publicly traded utility company against a local power provider.
- Representing a Fortune 100 exploration and production company in various royalty disputes.
- Represented a Fortune 50 midstream company in litigation related to environmental damage and ground use restriction. Case was successfully settled on very favorable terms, with our client paying nothing.
- Represented a minority shareholder of an oil and gas company in the prosecution of

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shareholder oppression claim against the majority shareholder.

- Represented energy-focused private equity firm in numerous cases.

### **Commercial and Business Litigation**

- Served as lead lawyer representing legendary music producers/Grammy winners in royalty dispute. Obtained summary judgment on all claims in federal court.
- Represented a Fortune 50 company in a \$180 million ERISA class action alleging wrongful cutbacks to employee discounts that allegedly constituted defined-benefit pension plans. After a trial and post-verdict briefing, the court dismissed all of Plaintiffs' claims.
- Tried a \$10 million bad faith insurance case in federal court on behalf of a national pharmacy chain, reaching a favorable settlement during trial.
- Represented a publicly traded investment bank in a \$250 million professional negligence case.
- Won dismissal with prejudice of a \$23 million lawsuit against a publicly traded insurance company client in a case involving claims of tortious interference with contract, breach of fiduciary duty, and civil conspiracy.
- Obtained a \$1.4 million verdict after a two-week jury trial in a professional negligence case resulting from a failed real estate transaction. Claims were related to the title company's failure to fulfill its duties relating to closing the subject transaction.
- After being retained just two weeks prior to trial, won a \$1.25 million verdict after a one-week jury trial in a breach of oral partnership case.
- Represented individual in a suit against a New York hedge fund for failure to pay a fee for sourcing a deal. After taking two defendant depositions, the case settled for confidential seven-figure amount.
- Representing a publicly traded recreational vehicle manufacturer in a class action; obtained reversal of certification of class of consumers alleging breach of warranty claims against client.
- Favorably settled a case pending in south Texas against a publicly traded financial services firm client in a multimillion-dollar broker-dealer case that involved allegations of "churning" investment products.
- Represented a national law firm in a professional malpractice case related to the alleged development of tax shelters.
- Represented a publicly traded financial institution in a consumer class action.
- Successfully prosecuted a breach of contract claim on behalf of a publicly traded financial institution. Claims were related to the factoring of accounts receivable. Case was favorably resolved, with our client receiving a substantial payment.

### **Construction**

- Represented an international, publicly owned engineering, procurement, and construction company in an international arbitration regarding multimillion-dollar dispute related to the implementation of a major reliability centered maintenance program at the world's largest steel plant. Case was successfully settled, with our client receiving millions of dollars.
- Represented an international, publicly owned engineering, procurement, and construction company in international arbitration concerning \$30 million dispute related to turnaround of major international refinery. After a full hearing, tribunal found for our client on majority of claims.
- Represented a major government contractor in a breach of contract action related to a civil construction project in Iraq; obtained the dismissal of the case on jurisdictional grounds. Client subsequently reached a favorable settlement.
- Represented an international, publicly owned engineering, procurement, and construction company in a contract dispute with a subcontractor relating to the installation of fiber optic

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cable in the central business district of a major U.S. city.

- Represented an international, publicly owned engineering, procurement, and construction company in a \$10.5 million contract dispute.
- Represented a national hotel chain in a multimillion-dollar breach of warranty case regarding exterior wall products.

### Healthcare

- Represented national hospital developer in a \$23 million arbitration arising out of alleged mismanagement of a hospital. Case involved breach of contract, fraud, and negligent misrepresentation claims and was successfully settled, with our client receiving a multimillion-dollar payment.
- Represented a Houston-based hospital against a national health insurer seeking to recover \$15 million in claims payments for emergency care, alleging that it had been defrauded because freestanding emergency departments were not “hospital-based” for purposes of claim reimbursement. Our lawyers successfully invoked the *Buckman* preemption to argue that the insurer’s claims—which were based on alleged misrepresentations to Medicare—were precluded by our client’s Medicare designation as a provider-based entity (PBE). The insurer’s claims were dismissed on summary judgment.
- Represented a publicly traded healthcare company in a fraud and breach of contract action against the financial advisory firm that took the company public. The case settled on favorable terms after we obtained a temporary injunction preventing the defendants from trading or pledging the stock they held in our client company.
- Defended a hospital against claims brought by a health insurer seeking the disgorgement of approximately \$20 million in claims paid due to allegedly improper coding of claims. We represented our client in parallel proceedings in state and federal court and ultimately negotiated a favorable settlement prior to trial.
- Represented a freestanding emergency department in a dispute with a health insurer regarding underpayment of claims, simultaneously defending against insurer’s claim of improper coding and violations of Texas law. With approximately \$7 million in controversy, we negotiated a confidential settlement for our client the weekend before trial.
- Represented a medical staffing company in a breach of contract and fraud action and related shareholder oppression dispute with several minority shareholders. In addition to assisting our client in avoiding a shareholder’s attempt to place the company into receivership, we obtained a temporary restraining order precluding another of the company’s minority shareholders and former employee’s from competing against our client and otherwise using our client’s confidential and proprietary information.
- Handled several matters for the nation’s largest ambulatory surgery provider, from multimillion-dollar ownership disputes to real estate disputes. The most recent of these cases involved a hospital landlord seeking \$3-\$5 million in damages related to licensure issues and client’s termination of the lease. We prevailed with the court granting our motion for summary judgment and dismissing the plaintiff’s case.
- Represented a freestanding emergency department in a dispute with a health insurer regarding \$7 million in underpaid claims. Hired three months before trial and negotiated a confidential settlement the weekend before trial.
- Successfully prosecuted a multimillion-dollar breach of contract claim before the AAA on behalf of a national managed care organization.
- Successfully obtained summary judgment on all claims for a regional medical provider in a fraud case arising out of the proposed construction of a hospital.
- Represented national hospital developer in a dispute with its former partner who opened a competing surgery center. Case was successfully settled prior to trial.

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- Served as counsel for two national developers of physician-owned hospitals in numerous cases.

### **Securities Fraud**

- Representing a minority shareholder oil and gas company in the prosecution of a shareholder oppression suit against a majority shareholder.
- Represented high-net-worth individuals in various FINRA arbitrations. Cases involved allegations of broker malfeasance, including claims of fraud, professional negligence, and “churning.”
- Represented plaintiffs in multimillion-dollar securities fraud action.
- Obtained dismissal of all claims on behalf of our client, an individual, in a shareholder oppression suit that arose out of the sale of a closely held corporation.

### **Other Matters**

- Represented a privately held pharmaceutical company in multiple Texas cases involving a time-released opioid analgesic alleged to cause substance dependency.
- Represented international and U.S.-based tire manufacturers in products liability litigation involving wrongful death and catastrophic personal injury claims.
- Represented one of the defendants in a major and highly technical patent case, first in the Eastern District of Texas and then in the Federal District Court in California. We reached a favorable de minimis settlement during claim construction.

### **RECOGNITIONS**

- Super Lawyer in Business Litigation, *Texas Monthly* magazine (2005-2017)
- Top Lawyer, *H Texas* magazine

### **AFFILIATIONS**

- American Bar Association: Litigation Section, Oil & Gas Section, Health Law Section, Business Litigation Committee, Healthcare Litigation Committee, and Construction Litigation Committee
- Dartmouth Lawyers Association
- Houston Bar Association
- Board member, Cathedral House School (Christ Church Cathedral)
- Board member, Children’s Fund (2013-2015)
- United Way, Chairman’s Club
- Dartmouth Club of Houston
- President, South Texas Polo Club